

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

JOHN NEROWSKI,

Plaintiff,

v

ESSENDANT CO.,

Defendant.

Case No. 1:20-cv-00589

Hon. Hala Y. Jarbou

**Stipulation to reopen discovery and  
adjourn trial**

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The parties stipulate to the entry of an order reopening discovery and adjourning trial, for the following reasons:

1. This is a premises liability case arising out of Plaintiff's fall at Defendant's premises on January 15, 2019.

2. Plaintiff sustained a comminuted displaced left fibular (ankle) fracture when he fell. He sought treatment from orthopedic surgeon Paul Drouillard, DO. On January 25, 2019, Plaintiff underwent surgery and insertion of hardware to repair his fracture.

3. Plaintiff was deposed on October 30, 2020. He testified that he returned to work in May 2019, and he last had orthopedic treatment in June 2019. Plaintiff also testified at his deposition that he had not seen plaintiff's psychiatry expert Dr. Shiener at that point.

4. On September 21, 2021, Defendant received Plaintiff's Supplemental Facilitation Summary with a medical report from Gerald Shiener, MD, dated April 29, 2021, regarding Dr. Shiener's psychiatric evaluation of Plaintiff on February 4, 2021. On November 9, 2021, Plaintiff's counsel provided defense counsel with a medical report from Dr. Drouillard, regarding Plaintiff's office visit on October 5, 2021.

5. Defendant desires to depose Dr. Shiener, to obtain a psychiatric independent medical evaluation of Plaintiff, and to take a discovery deposition of Dr. Drouillard. The first available date for the evaluation is in February 2022. Plaintiff does not object.

6. On November 9, 2021, the parties attempted to settle this matter via facilitative mediation with Thomas R. Behm, but they were unable to reach a settlement.

7. Under the terms of the Case Management Order (ECF No. 14), the discovery period closed on February 11, 2021 and trial is scheduled to begin on January 4, 2022.

8. The parties stipulate to an order reopening the discovery period until March 15, 2022, and to adjourn trial.

Respectfully submitted,

Dated: November 12, 2021

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Dated: November 12, 2021

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